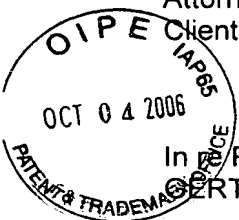


IFW

Attorney's Docket 081468-0305844
Client Reference: P-0356.010-US



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of:
BERT-JAN HEERENS

Confirmation Number: 1816

Application No.: 10/658,800

Group Art Unit: 1746

Filed: September 10, 2003

Examiner: Kornakov, Michail

For: METHOD OF CLEANING BY REMOVING PARTICLES FROM SURFACES, A
CLEANING APPARATUS AND A LITHOGRAPHIC PROJECTION APPARTUS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT/RESPONSE TRANSMITTAL

Transmitted herewith is an amendment/response for this application.

FEES

The fee for claims and extension of time (37 C.F.R. 1.16 and 1.17) has been calculated as shown below:

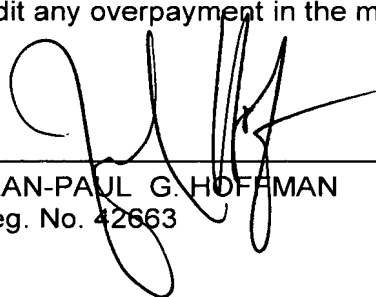
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDIT. FEE
TOTAL	20	— 20	= 0	x \$ 50.00	= \$ 0.00
INDEP.	4	— 4	= 0	x \$ 200.00	= \$ 0.00
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM			+	\$ 360.00	= \$ 0.00
TOTAL ADDITIONAL CLAIM FEE					\$ 0.00
GRAND TOTAL					\$ 0.00

FEE PAYMENT

Authorization is hereby made to charge the amount of \$0.00 to Deposit Account No. 033975. Charge any additional fees required by this paper or credit any overpayment in the manner authorized above. A duplicate of this paper is attached.

Date: October 4, 2006

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JEAN-PAUL G. HOFFMAN
Reg. No. 42663

Attorney's Docket No. 081468-0305844
Client Reference: P-0356.010-US

PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re application of: GERT-JAN HEERENS

Confirmation No.: 1816

Application No.: 10/658,800

Group No.: 1746

Filed: 09/10/2003

Examiner: Kornakov, Michail

For: METHOD OF CLEANING BY REMOVING PARTICLES FROM SURFACES, A
CLEANING APPARATUS AND A LITHOGRAPHIC PROJECTION APPARATUS

October 4, 2006

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Restriction Requirement dated September 6, 2006, Applicant elects with traverse Group I, claims 1-14 and "species" claim 3, for prosecution in the above-identified application. Thus, Applicant submits that at least claims 1-4, 6 and 12 will be examined. These elections are made with traverse.

MPEP § 806.04(e) states: "Claims are definitions of inventions. *Claims are never species*. The scope of a claim may be limited to a single disclosed embodiment (i.e., a single species, and thus be designated a *specific species claim*), or a claim may include two or more of the disclosed embodiments within the breadth and scope of the claim (and thus be designated a *generic or genus claim*). *Species are always the specifically different embodiments.*" (Italicized emphasis in original.)

It is respectfully submitted that the Examiner's determination that the species are defined by the claims is clearly incorrect. Claims are never species, as clearly indicated in the MPEP section discussed above. Accordingly, the restriction / election of species requirement is improper and must be withdrawn.

Moreover, MPEP § 808.02 states: "..., the examiner, in order to establish reasons for insisting upon restriction, must explain why there would be a serious burden on the examiner

if restriction is not required.” (Underlining emphasis added.) Furthermore, MPEP § 803 states: “If the search and examination of all the claims in an application can be made without serious burden, the examiner must examine them on the merits, even though they include claims to independent or distinct inventions.” (Underlining emphasis added.) MPEP § 806.01 states: “[A] provisional election of a single species may be required where only generic claims are presented and the generic claims recite such a multiplicity of species that an unduly extensive and burdensome search is necessary.” It is respectfully submitted that it is clear from these MPEP sections that it is PTO policy that the entire application, or at least significant portions thereof, must be searched and examined, regardless of the presence of independent or distinct inventions, if no serious burden exists. It is respectfully submitted that the Examiner has not established that a serious burden exists. MPEP § 808.02 sets forth the criteria for establishing a serious burden. As the Examiner has not performed the analysis required by MPEP § 808.02 to establish that a serious burden exists, it is respectfully submitted that the entire application, or at least significant portions thereof, can be searched and examined without a serious burden.

For example, both claims 1 and 19 encompass a cleaning mechanism or process involving reducing a gas pressure of a sealed chamber to 10^{-2} mbar in less than 5 seconds. Thus, Applicant submits there is clearly no serious burden to search and examine at least these independent claims. Further, the Examiner has not made any submission on how “species” claims 3, 5, 7, 8, 9, 10, 11 and 13 represent such a multiplicity of species that would make an unduly extensive and burdensome search necessary.

Therefore, the election requirement fails to satisfy the criteria for a proper restriction requirement because 1) the species are improperly defined according to claims, and not the various specifically different embodiments; and 2) it fails to present any analysis of why there exists a serious burden to search and examine the entire application, or at least significant portions thereof. Accordingly, the requirement is improper and must be withdrawn.

HEERENS ET AL. -- 10/658,800
Client/Matter: 081468-0305844

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975 to order number 081468-0305844. The Commissioner for Patents is also authorized to credit any overpayments to the above-referenced Deposit Account.

Respectfully submitted,

PILLSBURY WINTHROP SHAW PITTMAN LLP



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